

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ROBERT F. MARTIN,**

**Plaintiff,**

**v.**

**JOHN E. POTTER, Postmaster  
General, United States Postal  
Service,**

**Defendant.**

**CASE NO. 8:07CV490**

**MEMORANDUM  
AND ORDER**

This matter is before the court on Plaintiff's Motion to Dismiss. (Filing No. 4.) Service of process has not yet occurred, nor have Defendants filed an answer or motion for summary judgment. Plaintiff's Motion to Dismiss is therefore granted in accordance with Federal Rule of Civil Procedure 41(a)(1) and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Dismiss (Filing No. 4) is granted;
2. Plaintiff's Complaint and this action are dismissed without prejudice; and
3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 17<sup>th</sup> day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge